

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 200 – SB 463

April 11, 2015

SUMMARY OF ORIGINAL BILL: Tolls the statute of limitations for certain civil cases when a criminal prosecution is commenced and until the prosecution is concluded.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006004): Deletes all language after the enacting clause.

Extends the statute of limitations of actions for libel, personal injury, false imprisonment, malicious prosecution, breach of marriage promise, compensatory or punitive damages brought under federal civil rights statutes, and statutory penalties to two years if (1) criminal charges are brought against any person alleged to have caused or contributed to the injury; (2) the conduct, transaction, or occurrence that gives rise to the cause of action is the subject of a criminal prosecution commenced within one year by a law enforcement officer, a district attorney general, or a grand jury; and (3) the cause of action is brought by the person injured by the criminal conduct against the party prosecuted for such conduct.

Provides that Tenn. Code Ann. § 28-3-104(a) shall be strictly construed.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Any impact to the courts' caseloads would come from cases currently not filed because of a criminal prosecution and then dismissed when they are filed because the statute of limitations has run.
- The Administrative Office of the Courts (AOC) confirms that this number cannot be determined due to unknown variables. However, the AOC also confirms that it expects any impact can be accommodated within existing resources without any additional appropriations.

CERTIFICATION:

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The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "Jeffrey L. Spalding". The signature is written in a cursive, flowing style.

Jeffrey L. Spalding, Executive Director

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